

## REMARKS

Claims 1, 4-15, 19-27, 29-45 are presented for the Examiner's review and consideration. In this response, claims 1, 6-8, 15, 20, 24, 26, 29-34, 36-37, and 45 have been amended. Applicant believes the claim amendments and the accompanying remarks herein serve to clarify the present invention and are independent of patentability. No new matter has been added.

### 35 U.S.C. §112 Rejections

Claims 1, 6-8, 15, 20, 26, 29-37, and 45 were rejected under 35 U.S.C. §112, second paragraph, for failure of antecedent basis. Applicant respectfully notes that, in each instance cited in the Office Action, the cited element was either inherent (for example left and right condyles are inherent properties of a knee), or was unambiguous (for example, "the guide member" in reference to "the cutting guide member", when no other guide member element is present in the claim). Accordingly, Applicant respectfully submits that antecedent support was present in each instance. Notwithstanding this, to advance prosecution of the application, the claims have been amended herein to address each specific rejection.

If the Examiner deems that additional issues with respect to antecedent basis remain, Applicant invites the Examiner to telephone the undersigned in order that corrections may be made, if agreeable to the Examiner, by Examiner's Amendment, so that prosecution may be concluded.

In light of the foregoing, Applicant requests reconsideration and withdrawal of the section 112 rejections.

### Allowable Subject Matter

Applicant acknowledges with appreciation that claims 1, 4-15, 19-27, and 29-45 would be allowable if rewritten or amended to overcome the section §112 rejections.

Applicant respectfully submits that the rejections under §112 have been addressed, above, and therefore requests allowance of the claims.

Applicant: Peter M. Bonutti  
Application No.: 10/795,887  
Examiner: Elana Beth Fisher

Conclusion

In light of the foregoing remarks, this application is now in condition for allowance and early passage of this case to issue is respectfully requested.

If any questions remain regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

No fees are believed to be due. However, please charge any required fee (or credit overpayments) to the Deposit Account of the undersigned, Account No. 503410 (Docket No. 780-A04-012-1A).

Respectfully submitted,

/ Paul D. Bianco /

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